Minnesota businesswoman or Oregon serviceman is sent overseas, the Attorney General can personally approve a surveillance by making his own unilateral determination of probable cause.

It is my view that in the digital age, it makes no sense for Americans' rights and freedoms to be limited by physical geography. So when the Intelligence Committee was writing its legislation, I offered an amendment that would require the Government to get a warrant before deliberately surveilling Americans who happen to be outside the country. That amendment establishing these ''rights that travel,'' so to speak, was cosponsored by Senators FEINGOLD and WHITEHOUSE, and it was approved in the Senate Intelligence Committee on a bipartisan vote. The White House, regrettably, called this amendment troublesome, and I will only say I am prepared to work with colleagues on this issue. Just as I indicated I will be working with our Vice Chairman, Senator BOND, on the issue of telecommunications immunity, I am prepared to work with him and the chairman of the committee, Senator ROCKEFELLER, on my amendment to make sure there are no unintended consequences with respect to the amendment I authored that is in the Intelligence Committee legislation and that is also in the Judiciary Committee print.

I am not prepared to agree that Americans who step outside the country should have fewer rights than they do here at home. I am going to fight for that amendment that ensures Americans in the digital age have their individual liberties, have their constitutional rights wherever they travel, and I am going to fight for it even if the administration continues to oppose it.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Madam President, I now move to proceed to Calendar No. 512, S. 2248, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2248, FISA.

Harry Reid, Patrick Leahy, Ken Salazar, Daniel K. Inouye, Robert P. Casey, Jr., Frank R. Lautenberg, Debbie Stabenow, Richard J. Durbin, Tom Carper, John Kerry, E. Benjamin Nelson, Evan Bayh, Kent Conrad, Carl Levin, Mark Pryor, Charles Schumer, Jay Rockefeller, S. Whitehouse, Bill Nelson.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived that is required under rule XXII and that the cloture vote occur at 12 noon, Monday, December 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Madam President, section 302 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that improves certain services for and benefits to wounded or disabled military personnel and retirees, veterans, and their survivors and dependents. Section 302 authorizes the revisions provided that the legislation does not worsen the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that the conference report accompanying H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, satisfies the conditions of the deficit-neutral reserve fund for veterans and wounded service members. Therefore, pursuant to section 302, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Armed Services Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 302 Deficit-Neutral Reserve Fund for Veterans and Wounded Servicemembers

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,121.872
FY 2010	2,175.881
FY 2011	2,357.045
FY 2012	2,499.046
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	14.946
FY 2010	12.160
FY 2011	−37.505
FY 2012	−98.050
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.884
FY 2009	2,527.042
FY 2010	2,581.368
FY 2011	2,696.714
FY 2012	2,737.580
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.500
FY 2009	2,573.867
FY 2010	2,609.801
FY 2011	2,702.693
FY 2012	2,716.354

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 302 Deficit-Neutral Reserve Fund for Veterans and Wounded Servicemembers

[In millions of dollars]

Current Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,125
FY 2008 Outlays	102,153
FY 2008–2012 Budget Authority	546,992
FY 2008–2012 Outlays	546,679
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−15
FY 2008 Outlays	−112
FY 2008–2012 Budget Authority	258
FY 2008–2012 Outlays	−22
Revised Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,110
FY 2008 Outlays	102,041
FY 2008–2012 Budget Authority	547,250
FY 2008–2012 Outlays	546,657

ENERGY INDEPENDENCE AND SECURITY ACT

Mr. FEINGOLD. Madam President, I support the passage of the Energy Independence and Security Act of 2007, H.R. 6, which sets the U.S. energy policy on the right path.

I am particularly supportive of the critical improvements that were made in this bill to raise vehicle fuel economy standards while protecting American jobs. It is vitally important to my hometown of Janesville, WI, and to other hard-working communities across the country that Congress strike the right balance on this issue. Since the Senate considered the Energy bill earlier this year, I have worked with my colleagues to ensure that the final version includes strong but reasonable CAFE standards. I am glad that together we have accomplished that feat, and the bill has the support of interests as varied as the UAW, General Motors, and environmental groups.

I also support the bill's renewable fuel standard, which will require 36 billion gallons of renewable fuels by 2022, of which 21 billion will come from advanced biofuels, such as cellulosic ethanol and biodiesel. The bill also includes language I cosponsored urging that 25 percent of energy come from renewable sources by 2025 and setting requirements for improved energy efficiency for buildings, appliances, and lighting. The bill also includes an important provision, based on a bill I cosponsored, that makes it unlawful for an individual to knowingly manipulate the price of oil or gas.

I am, however, disappointed that after hard work and negotiations that produced a good, balanced energy bill, a minority of Senators repeatedly blocked the bill. It is unfortunate that to overcome this Republican roadblock, we had to remove the renewable electricity standard and the energy tax provisions—these new or extended renewable energy tax incentives were fully offset, so they would not have added to our deficit.

However, on balance, the version of the bill that the Senate passed is a positive step. It moves us away from our dependence on oil, increases our

energy security, encourages renewable energy and energy efficiency, and supports hard-working families and communities around the country.

This year's Energy bill finally moves past the misguided debates of previous Congresses and the fiscally and environmentally irresponsible proposals that were considered and passed in recent years. The United States is at an important juncture. By supporting the Energy bill, I am supporting a new direction for our Nation's energy policy: one that encourages renewable energy, conservation of the resources we have, and American innovation.

TORTURE

Mr. CARDIN. Madam President, as co-chairman of the Helsinki Commission, I chaired a field hearing this week at the University of Maryland College Park campus. The title of that hearing was ''Is It Torture Yet?''—the same question I was left with after Attorney General Michael Mukasey's nomination hearings.

The day of the hearings was also International Human Rights Day, which commemorates the adoption of the Universal Declaration on Human Rights nearly 60 years ago. The historic document declares, ''No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.''

In the Helsinki process, the United States has joined with 55 other participating States to condemn torture. I want to quote one particular provision, because it speaks with such singular clarity. In 1989, in the Vienna Concluding Document, the United States—along with the Soviet Union and all of the other participating States—agreed to ''ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person.'' This is the standard—with no exceptions or loopholes—that the United States is obligated to uphold.

I deeply regret that six decades after the adoption of the Universal Declaration, we find it necessary to hold a hearing on torture and, more to the point, I regret that the United States' own policies and practices must be a focus of our consideration.

As a member of the Helsinki Commission, I have long been concerned about the persistence of torture and other forms of abuse in the OSCE region. For example, I am troubled by the pattern of torture in Uzbekistan—a country to which the United States has extradited terror suspects. Radio Free Europe reported that in November alone two individuals died while in the custody of the state. When their bodies were returned to their families, they bore the markings of torture. And, as our hearing began, we were notified that a third individual had died under the same circumstances.

Torture remains a serious problem in a number of OSCE countries, particularly in the Russian region of Chechnya. If the United States is to address these issues credibly, we must get our own house in order.

Unfortunately, U.S. leadership in opposition to torture and other forms of ill-treatment has been undermined by revelations of abuse at Abu Ghraib prison and elsewhere. When Secretary of State Rice met with leading human rights activists in Moscow in October, she was made aware that the American forces' conduct at Abu Ghraib has damaged the United States' credibility on human rights.

As horrific as the revelations of abuse at Abu Ghraib were, our Government's own legal memos on torture may be even more damaging, because they reflect a policy to condone torture and immunize those who may have committed torture.

In this regard, I was deeply disappointed by the unwillingness of Attorney General Mukasey to state clearly and unequivocally that waterboarding is torture. I chaired part of the Attorney General's Judiciary confirmation hearing and found his responses to torture-related questions woefully inadequate. On November 14, I participated in another Judiciary Committee hearing at which an El Salvadoran torture survivor testified. This medical doctor, who can no longer practice surgery because of the torture inflicted upon him, wanted to make one thing very clear: as someone who had been the victim of what his torturers called ''the bucket treatment,'' he said, waterboarding is torture.

This week, this issue came up again—this time at the Senate Judiciary Committee's hearing on Guantanamo. One of the witnesses was BG Thomas Hartman, who was specifically asked whether evidence obtained by waterboarding was admissible in Guantanamo legal proceedings. Like Judge Mukasey, he would not directly answer that question. Nor would he respond directly when asked if a circumstance arose—hypothetically—whether waterboarding by Iranians of a U.S. airman shot down over Iran would be legal according to the Geneva Conventions. In fact, the Geneva Conventions prohibit the use of any coercive interrogation methods to obtain information from a Prisoner of War. I am deeply concerned that the administration's efforts to avoid calling waterboarding what it is—torture—is undermining the interpretation of the Geneva Conventions, which we have relied upon for decades to protect our own service men and women.

The destruction of tapes by the CIA showing the interrogation of terror suspects raises a host of additional concerns. First, these tapes may have documented the use of methods that may very well have violated U.S. law. Second, the tapes may have been destroyed in violation of court orders to preserve exactly these sorts of materials. If the administration is willing to destroy evidence in violation of a valid court order, we have a serious rule-of-law problem. Finally, it is profoundly disturbing that materials formally and explicitly sought by the 9/11 Commission—mandated to investigate one of the worst attacks on American soil in the history of our country—were not turned over by the CIA. The destruction of the CIA tapes should be carefully investigated.

Mr. President, the Congress must act to ensure that abuses by U.S. Government personnel are not committed on the false theory that this somehow makes our country safer.

UPCOMING GENERAL ELECTIONS IN KENYA

Mr. FEINGOLD. Madam President, the last time I devoted a floor statement to Kenya it was to condemn the assault by elite police and paramilitary commandos armed with AK–47s on the offices of the Standard Group's offices in an attempt, by the government of that time, to prevent an independent newspaper from publishing a story on a sensitive political matter. That was nearly 2 years ago—in March 2006—when Kenya's President Mwai Kibaki and senior members of his government were facing serious charges of bribery, mismanagement of public funds, inadequate governance reform efforts, and political favoritism. Unfortunately, while some reform measures have been instituted, corruption continues to choke Kenya's government and permeate society as efforts to curb such practices have been significantly deprioritized. Transparency International's 2007 Corruption Perceptions Index shows Kenya sliding down to number 150 out of 179 countries, on par with Zimbabwe and Kyrgyzstan.

More encouraging have been the increasingly engaged voices of the Kenyan people and the dynamic media that has developed since the last election. The last election showed the people of Kenya that their votes did count enough to bring about a change, and the independent press has simultaneously expanded and strengthened remarkably. Media outlets have not allowed themselves to be intimidated as they persist in exposing government mismanagement. Furthermore, while the courts are not entirely independent, they have taken up several high-profile cases, and some key ministers have been forced to resign. While Kenya's democracy is increasingly robust, it is nevertheless still quite young. The new few weeks may reveal just how much progress has been made—and how much progress is likely to be made in the future.

In two weeks—on Thursday, December 27—Kenyans will go to the polls to vote for their President, Parliament, and local officials. Five years ago, the Kenyan people went to the polls and unambiguously rejected years of mismanagement, corruption, and declining economic growth by overwhelmingly electing the opposition National Rainbow Coalition, NARC, to power, ending